

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SYNTHES, INC., SYNTHES USA HQ, INC.,
SYNTHES USA, LLC,
SYNTHES USA SALES, LLC, and
SYNTHES USA PRODUCTS, LLC,

Plaintiffs,

v.

EMERGE MEDICAL, INC., JOHN P.
MAROTTA, ZACHARY W. STASSEN, ERIC
W. BROWN, CHARLES Q. POWELL, ET AL.

Defendants.

CASE NO.: 11-1566

JURY TRIAL DEMANDED

CONFIDENTIAL-
ATTORNEYS' EYES
ONLY

**PLAINTIFFS' RESPONSE IN OPPOSITION TO THE "STATEMENT OF
UNDISPUTED MATERIAL FACTS IN SUPPORT OF DEFENDANTS EMERGE
MEDICAL, INC.'S, JOHN P. MAROTTA'S, AND CHARLES Q. POWELL'S MOTION
FOR PARTIAL SUMMARY JUDGMENT"**

(FILED UNDER SEAL)

CERTIFICATE OF SERVICE

I, Rosemary McKenna, hereby certify that on December 10, 2013, I caused a true and correct copy of the foregoing, including the documents filed under seal, to be served via first-class U.S. mail upon the following:

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/s/ Rosemary McKenna
ROSEMARY MCKENNA

Dated: December 10, 2013